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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/809,752	03/25/2004	Bryan L. Dalton	LM(F)6505 NP	7347
26294 7590 11/13/2008 TAROLLI, SUNDHEIM, COVELL & TUMMINO L.L.P. 1300 EAST NINTH STREET, SUITE 1700 CLEVEVLAND, OH 44114				
EXAMINER				
LIM, KRISNA				
ART UNIT		PAPER NUMBER		
2453				
MAIL DATE		DELIVERY MODE		
11/13/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/809,752

**Applicant(s)**

DALTON ET AL.

**Examiner**

Krisna Lim

**Art Unit**

2453

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 14 October 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SI/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

1. Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Hind et al. [U.S. Patent No. 2004/0136358].

4. Hind et al anticipates (e.g., see Figs. 1-13b) the invention substantially as claimed. Taking claim 1 as an exemplary claim, the reference anticipates a communication system (e.g., see Figs. 1-13b) comprising: a device management computer (e.g., see a host computer 10, § 29-30 and 40); a data concentrator computer (e.g., network server of Fig. 6 for communicating with said device management computer; a gateway device (e.g., wireless gateway 20, 140, § 31) for communicating with said data concentrator computer; and a plurality of mobile data acquisition devices (e.g., mobile computer 24), each of said plurality of mobile data acquisition devices communicating with said gateway device (e.g., see § 29-31), said gateway device performing pre-processing functions (e.g., store-and-forward, software program that works with conjunction with the redirector program, § 31-32) on data collected by said plurality of mobile data acquisition devices prior to transferring the data to said data concentrator computer.

5. As to claim 2, Hind et al. further anticipates a workstation (e.g., see workstation of Fig. 6, § 29-30) for communicating with said gateway device.
6. As to claim 3, Hind et al further anticipates said workstation provides access to resources (e.g., a server computer 11, Network server of Fig. 6) of said workstation by said plurality of mobile data acquisition devices through said gateway device (e.g., see § 29-32).
7. As to claim 4, it is inherent that a mobile device (e.g., see § 37) includes a processor, a memory, a display, a keyboard, and a battery (e.g., a mobile computer 24, § 37)
8. As to claim 5, Hind et al further anticipates each of said plurality of mobile data acquisition devices performs a batch download of said data (e.g., text message or web download in § 41; data item is transmitted to the mobile device 21 in § 46; push certain user-selected data to the user's mobile device 24) to said gateway device.
9. As to claim 6, Hind et al. further anticipates each of said plurality of mobile data acquisition devices performs a real time download of said data (e.g., text message or web download in § 41; data item is transmitted to the mobile device 21 in § 46; push certain user-selected data to the user's mobile device 24, § 35) to said gateway device.
10. As to claim 7, Hind et al. further anticipates said gateway device converts said data to an appropriate interface (this is inherent function of a gateway) for transferring said data to said data concentrator computer.
11. As to claim 8, Hind et al further anticipates said gateway device provides communication to a printer (e.g., see § 31).

12. As to claim 9, Hind et al. further anticipates said gateway provides communication to a diskette drive (a diskette drive is inherent in the mobile computer 24).
13. As to claim 10, Hind et al. further anticipate said data concentrator computer (server 11) is dedicated to a single software application (e.g., one of the protocols that the server 11 is using, for example, TCP/IP, § 30).
14. Claims 11-20 are rejected for the same rationale as claims 1-10, since they recite substantially identical subject matter. Any differences between the claims do not result in patentably distinct claims and all of the limitations are taught by the above cited references.
15. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The references are cited in the Form PTO-892 for the applicant's review.

A shortened statutory period for response to this action is set to expire 3 (three) months and 0 (zero) days from the mail date of this letter. Failure to respond within the period for response will result in **ABANDONMENT** of the application (see 35 U.S.C 133, M.P.E.P 710.02, 710.02(b)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krisna Lim whose telephone number is 571-272-3956. The examiner can normally be reached on Monday to Friday from 9:30 AM to 6:00 PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess, can be reached on 571-272-3949. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

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Business Center (EBC) at 866-217-9197 (toll-free).

KI

November 08, 2008

/Krisna Lim/

Primary Examiner, Art Unit 2453